

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OAD, LLC,

Plaintiff,

v.

SYDNEY, INC., d/b/a OAD MIDWEST,
WALSTROM GROUP, INC., GARY W.
WALSTROM, and CECILIA BRUENING,

Defendants.

CIVIL ACTION NO. 05-10150 (RCL)

SYDNEY, INC., d/b/a OAD MIDWEST,
WALSTROM GROUP, INC., GARY W.
WALSTROM, and CECILIA BRUENING,
individually and derivatively on behalf of
OAD, LLC,

Plaintiffs-in-counterclaim,

v.

OAD, LLC, and MICHAEL GRAY,

Defendants-in-counterclaim.

**AFFIDAVIT OF NICHOLAS M. O'DONNELL AS TO SERVICE OF COUNTERCLAIM
COMPLAINT ON DEFENDANTS-IN-COUNTERCLAIM OAD, LLC AND MICHAEL
GRAY**

I, Nicholas M. O'Donnell, hereby depose and state as follows:

1. I am a member of the bar of the Commonwealth of Massachusetts and an
associate with the law firm of Sullivan & Worcester LLP in Boston, counsel to the Plaintiffs-in-

counterclaim Sydney, Inc., d/b/a OAD Midwest (“Sydney”), the Walstrom Group, Inc. (the “Walstrom Group”), Gary W. Walstrom (Walstrom), and Cecilia Bruening (Bruening).

2. After filing Defendants’ Answer To Plaintiff OAD, LLC’s Amended Complaint and Counterclaims Against OAD, LLC and Michael Gray (the “Answer and Counterclaim Complaint”) in the above-captioned matter, I delivered to Daniel C. Reiser, Esq., counsel for OAD, LLC (“OAD”) and Michael Gray (“Gray”), a copy of said Answer and Counterclaim Complaint.

3. By letter dated February 24, 2005, a true and accurate copy of which is attached as Exhibit A, Attorney Reiser agreed to accept service of the Answer and Counterclaim Complaint on behalf of his clients.

4. By agreement, Attorney Reiser’s acceptance initiated the period within which OAD and Gray will answer or otherwise respond to the Counterclaims, with such response due on or before March 16, 2005.

Signed under the pains and penalties of perjury this 7th day of March, 2005.

/s/ Nicholas M. O’Donnell

Nicholas M. O’Donnell (Board of Bar Overseers
Number 657950)

nodonnell@sandw.com

SULLIVAN & WORCESTER LLP

One Post Office Square

Boston, MA 02109

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Exhibit A

CRAIG AND MACAULEY | PROFESSIONAL CORPORATION
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February 24, 2005

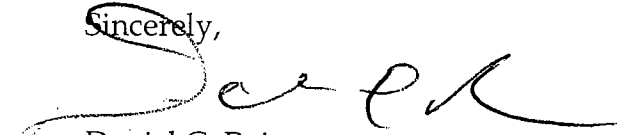
Nicholas M. O'Donnell, Esq.
Sullivan & Worcester
One Post Office Square
Boston, MA 02109

Re: OAD, LLC v. Sydney, Inc., d/b/a OAD Midwest
Plymouth Superior Court - C.A. No. 05-10150

Dear Nicholas:

This letter confirms my acceptance of service of the Defendants' Answer To Plaintiff OAD, LLC's Amended Complaint And Counterclaims Against OAD, LLC And Michael Gray on behalf of my clients, OAD, LLC and Michael Gray. This letter also confirms our agreement that the date of this letter will be deemed by the parties to be the date of service of the Defendants' counterclaims upon both OAD, LLC and Mr. Gray. Therefore, the date by which both OAD, LLC and Mr. Gray must answer or otherwise respond to such counterclaims shall be March 16, 2005.

Sincerely,



Daniel C. Reiser

cc: Martin P. Desmery, Esq.
Michael J. Gray